

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 1:25-cr-118-ECM
)	[WO]
AMANDA DANUELLE DANIELS, <i>et al.</i>)	

MEMORANDUM OPINION and ORDER

Now pending before the Court is Defendant Amanda Danuelle Daniels’ (“Daniels”) motion to continue trial. (Doc. 553). On November 17, 2025, the Court ordered Defendants Maurice Odell Kemmerlin (“Kemmerlin”), Eric King (“King”), Jason Parker Dixon (“Jason Dixon”), Earlie Barber (“Barber”), Marco Agee (“Agee”), Benjamin Scott Neal (“Neal”), Scott Fredrick Smith (“Smith”), James Joye (“Joye”), Julia Warren (“Warren”), and Tavon Marquis Davies (“Davies”) to file, no later than December 2, 2025 at noon, a notice or status report regarding his or his position on whether the trial should be continued as to all Defendants. (Doc. 554). In response, Warren filed a motion to continue (doc. 581); Kemmerlin, Davies, and Agee each filed a notice of intent to change plea (docs. 569, 573, 599); and the remaining codefendants filed a notice or status report informing the Court that they do not oppose a continuance (docs. 576, 579, 580, 587, 597, 601).

Jury selection and trial are presently set on the term of court commencing on January 5, 2026. For the reasons set forth below, the Court will grant a continuance of the trial as to all Defendants pursuant to 18 U.S.C. § 3161(h)(7).

While the trial judge enjoys great discretion when determining whether to grant a continuance, the Court is limited by the requirements of the Speedy Trial Act. 18 U.S.C.

§ 3161; *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986). The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1).

The Act excludes, however, certain delays from the seventy-day period, including delays based on “findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” *Id.* § 3161(h)(7)(A). In determining whether to grant a continuance under § 3161(h)(7), the Court “shall consider,” among other factors, whether denial of a continuance would likely “result in a miscarriage of justice,” or “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” *Id.* § 3161(h)(7)(B)(i), (iv).

Counsel for Daniels represents to the Court that he needs additional time to review the discovery and prepare a defense. (Doc. 553 at 1). Additionally, counsel for Warren explains that he was recently appointed to represent Warren and needs additional time to prepare. (Doc. 581 at 1). Neither the Government nor the other Defendants oppose a continuance. “There is a preference in the federal system for joint trials of defendants who are indicted together.” *Zafiro v. United States*, 506 U.S. 534, 537 (1993). After careful consideration, the Court finds that the ends of justice served by granting a continuance of

this trial outweigh the best interest of the public and the Defendants in a speedy trial. Accordingly, and for good cause, it is

ORDERED that the motions to continue (docs. 553 and 581) are GRANTED as to all Defendants, and jury selection and trial are CONTINUED from January 5, 2026, to the criminal term of court set to commence on **April 6, 2026, at 10:00 a.m. in Dothan, Alabama**. All deadlines tied to the trial date are adjusted accordingly. It is further

ORDERED that the status conference set for December 9, 2025, is CANCELLED.

The United States Magistrate Judge shall conduct a pretrial conference prior to the April trial term.

DONE this 2nd day of December, 2025.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE